

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In Re:

Mojtaba Fardadfar

Debtor.

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**Case No. 12-14318-NLJ
Chapter 13**

OBJECTION TO MOTION TO VACATE

COMES NOW John Hardeman, Chapter 13 Trustee, and files his Objection to the Motion to Vacate filed by the debtor, as follows:

Debtor seeks to vacate the Order Denying Confirmation and Dismissing Case entered on September 11, 2013. The instant case was filed on August 30, 2012, and no plan was confirmed. The most recent confirmation hearing was the twelfth hearing to consider confirmation. A few days prior to the eleventh hearing set for August 20, 2013, the debtor retained new counsel, Timothy McCoy. Prior to the August 20th confirmation hearing, Mr. McCoy contacted the office of the Trustee to request a continuance of the hearing to allow him to file an amended plan. Based upon the number of prior continuances, the Trustee reluctantly agreed to continue the confirmation hearing to the next available docket on September 10, 2013, to allow Mr. McCoy an opportunity to amend the plan. Mr. McCoy was advised that if the plan was amended by September 10, 2013, the confirmation hearing would be continued from September 10th to allow the appropriate response time on the amended plan. Mr. McCoy was further advised that if an amended plan was not filed by September 10th, the Trustee would request dismissal of the case. Not only did counsel fail to appear at the hearing on September 10th, the debtor failed to file an amended plan by September

10th. Additionally, many aspects of objection of the Trustee to confirmation remained unresolved as of the twelfth confirmation hearing. At that hearing, the Trustee requested the dismissal of the case, which request the Court granted. Based on these facts, the Trustee opposes the relief sought by the debtor.

WHEREFORE, the Chapter 13 Trustee files his Objection to the Motion to Vacate and requests the Court deny the relief sought and further order such other relief as is warranted.

Respectfully submitted,

/s/ Linda Ruschenberg
Linda Ruschenberg, OBA #12842
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CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing Objection was mailed on the 7th day of October, 2013, by first class mail, postage prepaid to the parties on the attached list.

/s/ Linda Ruschenberg